

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

**BRITTANY STEWART AND JESSICA)
FOSTER,)**

Plaintiffs,)

v.)

Civil Action File No.

**GABRIEL DIOTTE, TRANSBY INC.,)
INTACT SERVICES USA LLC D/B/A)
ONE BEACON SERVICES, LLC, XYZ)
CORPORATION 1-2, AND)
JOHN DOES 1-2)**

Defendants.)

NOTICE OF REMOVAL

COMES NOW Defendant Intact Services USA LLC d/b/a One Beacon Services, LLC (hereinafter “Defendant”), Defendant in the above-styled civil action, and, pursuant to 28 U.S.C. § 1446, hereby remove the action now pending in the State Court of Clayton County, Georgia styled Brittany Stewart and Jessica Foster v. Gabriel Diotte, Transby Inc., Intact Services USA LLC d/b/a One Beacon Services, LLC, XYZ Corporation 1-2, and John Does 1-2, Civil Action File No. 2021CV01671, wherein Plaintiff demands judgment against Defendants, and respectfully show this Honorable Court as follows:

1. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332.

2. This is a civil action regarding Plaintiffs Brittany Stewart and Jessica Foster's claims for negligence and bodily injuries against Defendant Intact Services USA LLC d/b/a One Beacon Services, LLC. Based upon the allegations in Plaintiffs' Complaint, Defendants aver in good faith that Plaintiff is seeking to recover damages in excess of \$75,000.00, plus costs and attorney's fees. (See Complaint ¶ 9, Plaintiffs alleged they incurred an excess of \$59,684.52 in past medical expenses, attached hereto as Exhibit "B").

3. Upon information and belief, at all times material to this action, Plaintiffs were not citizens of the State of Minnesota. (See Exhibit B, generally).

4. At all times material to this action, Defendant Intact Services USA, LLC d/b/a One Beacon Services, LLC was a foreign corporation having its principal place of business in Plymouth, Minnesota. (See, Affidavit of Andrew Craft, attached hereto as Exhibit "A"). Upon information and belief, at all times material to this action, Defendant Gabriel Diotte was not a resident of the United States. (See Exhibit B ¶ 1). Upon information and belief, at all times material to this action, Defendant Transby, Inc. was a foreign Canadian based company. (See Exhibit B ¶ 2).

5. This action was commenced in the State Court of Clayton County, Georgia on July 23, 2021. (See Exhibit B, generally). Defendants first learned the

amount in controversy exceeded \$75,000.00 on August 5, 2021, when Plaintiffs filed their Affidavit of Service for Defendant. (See Affidavit of Service, attached hereto as Exhibit C).

6. The affidavit of counsel, Andrew Craft, Esq., is submitted in support of this Notice of Removal, a true and correct copy of which is attached hereto as Exhibit A.

7. Pursuant to 28 U.S.C. § 1446 and the local court rules, copies of all process, pleadings and orders served upon Defendant and such other papers are filed herein as composite Exhibit “D”.

8. Pursuant to 28 U.S.C. § 1446(d), Defendants will provide written notice to all adverse parties and will file a copy of this Notice of Removal with the Clerk of the State Court of Clayton County, Georgia. Thereafter, Defendant will file copies of all filed notices to adverse parties and a copy of the Certification of Notice of Removal with this Court upon receipt from the State Court of Clayton County, Georgia.

WHEREFORE, Defendant respectfully submits this matter to this Court's jurisdiction.

Respectfully submitted this 7th day of September, 2021.

(signature to follow on next page)

LEWIS BRISBOIS BISGAARD & SMITH, LLP

/s/ Andrew Craft

Brantley C. Rowlen

Georgia Bar No. 153031

Andrew T. Craft

Georgia Bar No. 844764

*Counsel for Defendant Intact Services USA,
LLC d/b/a One Beacon Services, LLC*

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CERTIFICATE OF SERVICE

I hereby certify I have this day filed a true and correct copy of the foregoing ***NOTICE OF REMOVAL*** with the Clerk of Court utilizing the CM/ECF filing system, and served a copy of same upon all counsel of record, by U.S. First Class Mail, proper postage affixed thereto, as follows:

Jeffrey G. James
Randal E. Fry
THE FRY LAW FIRM
1720 Peachtree Street, NW
Suite 500
Atlanta, Georgia 30309

Counsel for Plaintiff

This 7th day of September, 2021.

LEWIS BRISBOIS BISGAARD & SMITH, LLP

/s/ Andrew Craft
Brantley C. Rowlen
Georgia Bar No. 153031
Andrew T. Craft
Georgia Bar No. 844764

*Counsel for Defendant Intact Services USA,
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